## UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner: Agnieszka Boesen

Art Unit: 1648

Re:

Application of:

SUNG, Young Chul et al.

Serial No.:

10/528,644

Filed:

March 18, 2005

For:

A VACCINE ENHANCING THE PROTECTIVE

IMMUNITY TO HEPATITIS C VIRUS USING

AND

PLASMID DNA

RECOMBINANT

**ADENOVIRUS** 

### **DECLARATION OF DEPOSITOR**

Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

February 9, 2011

SIR:

#### I, SUNG, Young Chul hereby state:

- 1. That I am a co-inventor of the above-identified patent application.
- 2. That, on August 29, 2002, I deposited samples of

## pGX10 gDs $\Delta$ ST, pGX10 NS34, pGX10 NS5, rAd gDs $\Delta$ ST, rAd gDssNS34 and rAd NS5

with the Korean Culture Center of Microorganisms (KCCM), as an International Depository Authority, at #361-221 Yurim B/D, Hongje-1-dong, Seodemun-gu, Seoul 120-091, Republic of Korea, in compliance with the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purpose of Patent Procedure as Deposit Accession Number KCCM 10415, KCCM 10417, KCCM 10416, KCCM 10418, KCCM 10420 and KCCM 10419, respectively.

Copies of the accession agreement are annexed hereto as Exhibit A.

I hereby assure the United States Patent and Trademark Office and the public that (a) all restrictions on the availability to the public of the deposited materials referred to in paragraph 2 will be irrevocably removed upon issuance of a United States patent of which any of such deposited material is the subject; (b) the deposited materials will be maintained for a period of at least five years after the most recent request for the furnishing of samples of any of the deposited materials were

received by the KCCM and, in any case, for a period of at least 30 years after the date of deposit or for the effective life of such patent, whichever is longer; (c) should any of the deposits become non-viable or mutated, or otherwise incapable of being furnished by the depository upon request due to the condition of the deposit, it will be replaced by Applicants; and (d) access to the cultures will be available to the Commissioner during the pendency of he patent application or to one determined by the Commissioner to be entitled to such cultures under 37 C.F.R. §1.14 and 35 U.S.C. §122.

I hereby declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that I make these statements with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under \$1011 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Chul

* February 9, 2011	SUNG, Young
Date	Surg Jones Co

# Exhibit A

Deposit Receipts for KCCM 10415, KCCM 10417, KCCM 10416, KCCM 10418, KCCM 10420 and KCCM 10419, respectively in U.S. Ser. No. 10/528,644 are as follow:

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICKOORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

## INTERNATIONAL FORM

To, Young Chul Sung Department of Life Science, Pohang University of Science and Technology, Pohang 790-784, Korea

RECEIPT IN THE CASE OF AN ORIGINAL issued pursuant to Rule 7.1 by the INTERNATIONAL DEPOSITARY AUTHORITY identified at the bottom of this page

1. IDENTIFICATION OF THE MICROORGANISM		
Identification reference given by the DEPOSITOS:  DGX10 gDs AST	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: KCCM-10415	
II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION		
The microorganism identified under I above was accompanied by:		
III. RECEIPT AND ACCEPTANCE  This International Depositary Authority accepts the microorganism identified under 1 above, which was received by k on Aug. 20. 2002. (date of the original deposit) <sup>1</sup>		
W. INTERNATIONAL DEPOSITARY AUTHORITY		
Name: Rereas Culture Center of Microorganisms  Address: 361-221, Yurim B/D  Hongje 1-dens,  Scodaemun-gu  SEOUL 120-091  Republic of Rerea	Signature (s) of person (s) having the power to represent the International Depositary Authority or of authorized official (s):  Date: Sep. 5. 2001 Eller	

Where Rule 6. 4(d) applies, such date is the date on which the status of intermediate depositary authority was acquired; where a deposit made obtained the Budapest Treaty after the acquisition of the status of international depositary authority is converted into a deposit under the Budapest Treaty, such date is the date on which the microorganism was received by the international depositary authority.

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# SUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE FURPOSES OF PATENT PROCEDURE

#### INTERNATIONAL FORM

To. Voing Chul Sung
Department of Life Science,
Pohang University of Science and Technology,
Pohang 780-784. Korea

RECEIPT IN THE CASE OF AN ORIGINAL Issued pursuant to Rule 7.1 by the INTERNATIONAL DEPOSITARY AUTHORITY identified at the bottom of this page

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1. IDENTIFICATION OF THE MICROORGANISM	- The second and the	
Identification reference given by the DEPOSITOR: pGX10 NS34	According number given by the INTERNATIONAL DEPOSITARY AUTHORITY: KCCM-10417	
II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION		
The microorganism identified under I above was acco	ompanied by:	
☐ a sciendiic description		
I a randoned antonomic designation		
(Mark with a cross where applicable)		
III. RECEIPT AND ACCEPTANCE		
This International Department Authority accepts the intercorganism identified under I above, which was received by it on Aug. 29, 2002. (date of the original deposit).		
IV. INTERNATIONAL DEPOSITARY AUTHORITY		
Name: Korean Culture Center of Microorganisms  Address: 361-221, Yurim B/D  Hongie-1-dong,  Seedacmun-gu  SEOUL 120-091  Republic of Korea	Signature (s) of person (s) having the power to represent the laternational Depositary  Authority or of an interpretation of the power to represent the laternational Depositary  Date: Sep. S. 20	

1 Where Rule 6, 4(d) applies, such date is the date on which the status of international depositary authority was acquired: where a deposit inside outside the Budapest Treaty after the acquisition of the status of international depositary authority is converted into a deposit under the Budapest Treaty, such date is the date on which the microorganism was received by the international depositary authority.

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## BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

### INTERNATIONAL FORM

To. Young Chul Sung
Department of Life Science,
Poling University of Science and Technology,
Poling 790-784, Korea

RECEIFT IN THE CASE OF AN ORIGINAL issued pursuant to Rule 7.1 by the INTERNATIONAL DEPOSITARY AUTHORITY identified at the bottom of this 1238

14		
I. IDENTIFICATION OF THE MICROORGANISM		
Identification reference given by the DEPOSITOR : pGX10 NS5	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: KCCM-10416	
II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION		
The microorganism identified under I above was accompanied by:  \[ \text{a scientific description} \]  \[ \text{a proposed theonomic designation} \]		
(Mark with a cross where applicable)  M. RECEIPT AND ACCEPTANCE		
This International Depositary Ambouits accepts the microorganism identified under I above, which was received by h on Aug. 29, 2002. (date of the original deposit).		
IV. INTERNATIONAL DEPOSITARY AUTHORITY		
Name: Kercan Culture Center of Microorganisms	Signature(s) of porson(s) having the power to represent the International Depository	
Address: 351–221, Yurim D/D Hongje–1–dong. Seodnemun–gu SEOUL 120–191 Republic of Korea	Authority or of authorized official(a):  Date: Sep. 5. 20 English: 19	

1 Where Rule 6.4(d) applies, such date is the date on which the status of literatural depository authority was acquired: where a deposit made outside the Budapest Treaty after the acquisition of the status of international depositary authority is converted into a deposit under the Budapest Treaty, such date is the date on which the microorganism was received by the international depositary authority.

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## BUDAPEST THEATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

#### INTERNATIONAL FORM

To. Young Chul Sung
Department of Life Science,
Pohang University of Science and Technology,
Pohang 750-784. Korea

RECEIPT IN THE CASE OF AN ORIGINAL issued pursuant to Rule 7.1 by the INTERNATIONAL DEPOSITARY AUTHORITY identified at the bottom of this page

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. 1. IDENTIFICATION OF THE MICROORGANISM	
Identification reference given by the DEPOSITOR:  1Ad-gDs dST	Accession number given by the PATERNATIONAL DEPOSITARY AUTHORITY: KCCM-10418
II. SCIENTIFIC DESCRIPTION AND/OR PROPOSE	D TAXONOMIC DESIGNATION
The microorganism identified under I above was seen	ranganied by:
🛘 a scientific description	
☐ a proposed taxonomic dealmation	
(Mark with a cross where applicable)	
III. RECEIPT AND ACCEPTANCE	
This International Depositary Authority accepts the microorganism identified under I above, which was received by it on Aug. 23. 2002. (date of the original deposity)	
IV. INTERNATIONAL DEPOSITARY AUTHORITY	
Nome: Korean Culture Ceaser of Microarganisms  Address: 361–221, Yurim B/D  Hongje-1-dong,  Seodeemun-go  SEOUL 120-091  Republic of Korea	Signature (a) of person (s) having the power to represent the International Depositary  Authority or of anthorized official(a):  Date: Sep. 5. 20 10 10 10 10 10 10 10 10 10 10 10 10 10

Where Rule 6.4(d) applies, such date is the date on which the status of international depositary authority was acquired i where a deposit made outside the Budapest Treaty after the acquisition of the status of international depositary authority is converted juto a deposit under the Eudapest Treaty, such date is the date on which the international depositary authority.

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# BUDAPEST THEATY ON THE INTERNATIONAL. RECOGNITION OF THE DEFOSIT OF MICKOORGANISMS FOR THE PURPOSES OF FATENT PROCEDURE

## INTERNATIONAL FORM

Young Chul Sung	ŧ
Department of Life Science. Pohane University of Science and Fohang 790-784. Korea	Technology.

RECEIPT IN THE CASE OF AN ORIGINAL issued pursuant to Rule 7.1 by the INTERNATIONAL DEPOSITARY AUTHORITY identified at the bottom of this page

1. IDENTIFICATION OF THE MICROORGANISM	
Identification reference given by the DEPOSITOR: rAd-gDeNS34	Accession number given by the INTURNATIONAL DEPOSITARY AUTHORITY: KCCM-10420
D. SCIENTIFIC DESCRIPTION AND/OR PROPOSE	D TAXONOMIC DESIGNATION
The microorganism identified under I above was accommodate in a resemble description  a proposed assonomic designation (Mark with a cross where applicable)  M. RECEIPT AND ACCEPTANCE  This international Depositary Authority accepts the received by it on Aug. 29, 2002. (date of the origin	nicroarganism identified under I above. which was
IV. INTERNATIONAL DEPOSITARY AUTHORITY	
Name: Kercan Culture Center of Microorganiums  Address: 361, 221, Yuvim B/D  Hongie 1-dong,  Seedacmun-gu  SEOUL 120-091  Republic of Korea	Signature(s) of person(s) having the power to represent the international Depositary  Authority or of authorized official(s):  Dato: Sep. 5. 2002-10-10-10-10-10-10-10-10-10-10-10-10-10-

I Where Rule 6.4(d) applies, such data is the date on which the status of international depositary authority was acquired i where a deposit made outside the Budapest Treaty after the acquisition of the actus of I accountional depositary authority is converted into a deposit under the Budapest Treaty, such date is the date on which the microorganism was received by the international depositary authority.

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# BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

#### INTERNATIONAL FORM

To. Young Chill Sung
Department of Life Science,
Pohang University of Science and Technology,
Pohang 790-784, Kurea

RECEIPT IN THE CASE OF AN ORIGINAL issued pursuant to Rule 7.1 by the INTERNATIONAL DEPOSITARY AUTHORITY identified at the bottom of this page

I. IDENTIFICATION OF THE MICROORGANISM		
Identification reference given by the DEPOSITOR: rAd-NS5	Accession number given by the INTERNATIONAL DEFOSITARY AUTHORITY: KCCM-10419	
II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION		
The microorganism identified under I above was accompanied by:  () a scientific description  () a proposed taxonomic designation  (Mark with a cross where applicable)  III. RECEIPT AND ACCEPTANCE  This International Depositary Authority accepts the microorganism identified under I above, which was received by it on Aug. 29, 2002, (date of the original deposit).		
W, INTERNATIONAL DEPOSITARY AUTHORITY		
Name: Kurean Culture Center of Microorganisms  Address: 361–221, Yurim B/D  Hongje-1-dong,  Scodaemno-mu  SEOUL 120-091  Republic of Kores	Signature (s) of person (s) having the power to represent the international Depositary  Authority or of authorized official (s):  Dam: Sep. 5. 200   1	

1 Where Rule 6.4(d) applies, such date is the date on which the status of the arctional depository authority was acquired: where a deposit mude outside the Budapest Treaty after the acquisition of the status of I atternational depository authority is converted into a deposit under the Budapest Treaty, such date is the date on which the coloroorganism was received by the international depository authority.

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